

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAY S. BOWMAN,  
Plaintiff,

v.

Case No. 1:22-cv-191

DENTSPLY SIRONA, INC.,  
Defendant.

HONORABLE PAUL L. MALONEY

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

Plaintiff initiated this lawsuit by filing a complaint on March 3, 2022. Defendant filed a counterclaim as well as asserted several affirmative defenses on November 2, 2022. Plaintiff then filed a motion to dismiss the counterclaim and one of the affirmative defenses. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on March 23, 2023, recommending that this Court grant the motion in part and deny in part. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 78) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the motion to dismiss the counterclaim and Defendant's affirmative defense of fraud (ECF No. 23) is GRANTED IN PART AND DENIED IN PART. Defendant's affirmative defense of fraud is STRICKEN. The remainder of Plaintiff's motion to dismiss is DENIED.

Dated: April 17, 2023

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/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge